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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,866	08/18/2000	Charles E. Bernasconi	087354-0108	7547
22428 7590 07/10/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER RAPILLO, KRISTINE K				
ART UNIT PAPER NUMBER 3626				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/641,866

Applicant(s)

BERNASCONI ET AL.

Examiner

KRISTINE K. RAPILLO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-118 is/are pending in the application.
4a) Of the above claim(s) 1-87, 93-96 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 88-92, 97-118 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SF/IC)
Paper No(s)/Mail Date 4/30/2004; 11/4/2004; 5/21/2007.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

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DETAILED ACTION

Claims 88 -92 and 97 -118 are pending.

Notice to Applicant

1. This communication is in response to the amendment submitted April 4, 2008. Claims 1 – 87 and 93 -96 were cancelled in a previous amendment. Claims 88, 92, 97 – 98, 100, 102, 105, and 108 are amended. Claims 109 - 118 are new. Claims 88 - 92 and 97 - 118 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 88 – 92, 97 -100, and 102 – 118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al, hereinafter Thompson (U.S. Patent Number 6,334,133) in view of Mitsuoka et al., hereinafter Mitsuoka (U.S. Patent Number 6,466,914).

1. - 87. (Canceled)

In regard to claim 88 (Currently Amended), Thompson teaches a system comprising: one or more databases having information about a plurality of positions and qualifications for the positions, qualifications of a plurality of temporary employees, and associations with web pages (column 8, lines 15 – 63); wherein a different respective web page is associated with each of the respective temporary employees (column 6, lines 25 – 45); a server (column 6, lines 4 – 8) configured for: receiving a message about an open position that includes a designation of one of the temporary employees who is qualified for the open position as a preferred substitute (claim 1); and

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Thompson fails to teach a system comprising: updating the information to include information on the open position and the preferred substitute that was designated; notifying the preferred substitute who was designated of the specific open position by at least posting information about the specific open position at least to the web page associated only with the preferred substitute who was designated and the specific open position being specially marked thus differentiating the specific open position from other open positions listed on the web page associated only with the preferred substitute; and, allowing other qualified temporary employees the opportunity to fill the specific open position only in the event that the preferred substitute who was designated has not selected the specific open position before the expiration of a specified time period.

Mitsuoka teaches a system comprising: updating the information to include information on the open position and the preferred substitute that was designated; (column 1, lines 16 – 29); notifying the preferred substitute who was designated of the specific open position by at least posting information about the specific open position at least to the web page associated only with the preferred substitute who was designated and the specific open position being specially marked thus differentiating the specific open position from other open positions listed on the web page associated only with the preferred substitute (column 2, lines 28 – 46); and, allowing other qualified temporary employees the opportunity to fill the specific open position only in the event that the preferred substitute who was designated has not selected the specific open position before the expiration of a specified time period (column 10, lines 25 – 36).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system comprising updating the information to include information on the open position and the preferred substitute that was designated; notifying the preferred substitute who was designated of the specific open position by at least posting information about the specific open position at least to the web page associated only with the preferred substitute who was designated and the specific open position being specially marked thus differentiating the specific open position from other open positions listed on the web page associated only with the preferred substitute; and, allowing other qualified temporary employees the opportunity to fill the specific open position only in the event that the

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preferred substitute who was designated has not selected the specific open position before the expiration of a specified time period as taught by Mitsuoka, within the system of Thompson, with the motivation of notifying only those contractors that are available or have the required aptitude or skills, thus reducing the amount of data that is transmitted (column 10, lines 42 - 50 and column 11, lines 41 - 50).

In regard to claim 89 (Previously Presented), Thompson teaches the system of claim 88 wherein each web page associated with a temporary employee lists each open position that the temporary employee is able to accept (column 10, lines 32 - 42).

In regard to claim 90 (Previously Presented), Thompson teaches the system of claim 88. Thompson fails to teach a system wherein each web page associated with a temporary employee lists only the open positions that the temporary employee is qualified to fill.

Mitsuoka teaches a system wherein each web page associated with a temporary employee lists only the open positions that the temporary employee is qualified to fill (column 1, lines 25 - 28; column 11, lines 35 - 48; and column 11, lines 51 - 58).

The motivation to combine the teachings of Thompson and Mitsuoka is discussed in the rejection of claim 88, and incorporated herein.

In regard to claim 91 (Previously Presented), Thompson teaches the system of claim 88. Thompson fails to teach a system wherein each web page associated with a temporary employee lists only the open positions that the temporary employee is qualified to fill and that pass through a filter that filters out open positions for which the temporary employee has been rejected.

Mitsuoka teaches a system wherein each web page associated with a temporary employee lists only the open positions that the temporary employee is qualified to fill and that pass through a filter that filters out open positions for which the temporary employee has been rejected (column 1, lines 25 - 28; column 11, lines 35 - 48; and column 11, lines 51 - 58).

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The motivation to combine the teachings of Thompson and Mitsuoka is discussed in the rejection of claim 88, and incorporated herein.

In regard to claim 92 (Previously Presented), Thompson teaches the system of claim 88 wherein the temporary employee is a substitute teacher (column 8, lines 14 – 63).

93. - 96. (Canceled)

Method claim 97 repeats the subject matter of system claim 88 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 88 have been shown to be fully disclosed by the teachings of Thompson and Mitsuoka in the above rejection of claim 88, it is readily apparent that the system disclosed by Thompson and Mitsuoka performs these steps. As such, these limitations are rejected for the same reasons above for system claim 88, and incorporated herein.

Method claim 98 repeats the subject matter of system claim 89 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 89 have been shown to be fully disclosed by the teachings of Thompson in the above rejection of claim 89, it is readily apparent that the system disclosed by Thompson performs these steps. As such, these limitations are rejected for the same reasons above for system claim 89, and incorporated herein.

Method claim 99 repeats the subject matter of system claim 90 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 90 have been shown to be fully disclosed by the teachings of Thompson and Mitsuoka in the above rejection of claim 90, it is readily apparent that the system disclosed by Thompson and Mitsuoka performs these steps. As such, these limitations are rejected for the same reasons above for system claim 90, and incorporated herein.

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Method claim 100 repeats the subject matter of system claim 91 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 91 have been shown to be fully disclosed by the teachings of Thompson and Mitsuoka in the above rejection of claim 91, it is readily apparent that the system disclosed by Thompson and Mitsuoka performs these steps. As such, these limitations are rejected for the same reasons above for system claim 91, and incorporated herein.

Method claim 102 repeats the subject matter of system claim 92 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 92 have been shown to be fully disclosed by the teachings of Thompson in the above rejection of claim 92, it is readily apparent that the system disclosed by Thompson performs these steps. As such, these limitations are rejected for the same reasons above for system claim 92, and incorporated herein.

In regard to claim 103 (New), Thompson teaches the system of claim 88 with the server configured so that each web page associated with a temporary employee lists only the open positions that the temporary employee is qualified to fill and has not been rejected by the employee whose absence creates the specific open position (Figure 2 and column 8, lines 15 – 63).

In regard to claim 104 (New), Thompson teaches the system of claim 88 with the server further configured to receive an administrative designation of, a temporary employee who has accepted an open position at a location, for another open position at the same location for a different day (Figures 10 and 12) where Figure 12 illustrates a Substitute Assignment Report.

In regard to claim 105 (New), Thompson teaches the system of claim 88 with the server configured to post information about the specific open position only to the web page associated with the requested preferred substitute (column 6, lines 25 – 45).

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Method claim 106 repeats the subject matter of system claim 103 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 103 have been shown to be fully disclosed by the teachings of Thompson in the above rejection of claim 103, it is readily apparent that the system disclosed by Thompson performs these steps. As such, these limitations are rejected for the same reasons above for system claim 103, and incorporated herein.

Method claim 107 repeats the subject matter of system claim 104 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 104 have been shown to be fully disclosed by the teachings of Thompson in the above rejection of claim 104, it is readily apparent that the system disclosed by Thompson performs these steps. As such, these limitations are rejected for the same reasons above for system claim 104, and incorporated herein.

Method claim 108 repeats the subject matter of system claim 105 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 105 have been shown to be fully disclosed by the teachings of Thompson in the above rejection of claim 105, it is readily apparent that the system disclosed by Thompson performs these steps. As such, these limitations are rejected for the same reasons above for system claim 105, and incorporated herein.

In regard to claim 109 (New), Thompson teaches the system of claim 88. Thompson fails to teach a system with the server further configured to notify the preferred substitute via e-mail or e-pager.

Mitsuoka teaches a system with the server further configured to notify the preferred substitute via e-mail or e-pager (column 1, lines 25 – 28 and column 6, lines 63 – 66).

The motivation to combine the teachings of Thompson and Mitsuoka is discussed in the rejection of claim 88, and incorporated herein.

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Method claim 110 repeats the subject matter of system claim 109 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 109 have been shown to be fully disclosed by the teachings of Thompson and Mitsuoka in the above rejection of claim 109, it is readily apparent that the system disclosed by Thompson and Mitsuoka performs these steps. As such, these limitations are rejected for the same reasons above for system claim 109, and incorporated herein.

In regard to claim 111 (New), Thompson teaches the system of claim 88 with the server further configured to remove the specific open position from an available jobs list immediately after receiving an electronic acceptance of the specific open position from the preferred substitute (column 4, line 65 through column 5, line 4).

Method claim 112 repeats the subject matter of system claim 111 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 111 have been shown to be fully disclosed by the teachings of Thompson in the above rejection of claim 111, it is readily apparent that the system disclosed by Thompson performs these steps. As such, these limitations are rejected for the same reasons above for system claim 111, and incorporated herein.

In regard to claim 113 (New), Thompson teaches the system of claim 88 with the server further configured to post an assignment of the specific open position automatically after receiving an electronic acceptance of the specific open position from the preferred substitute (column 4, line 65 through column 5, line 4).

Method claim 114 repeats the subject matter of system claim 113 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 113 have been shown to be fully disclosed by the teachings of Thompson in the above rejection of claim 113, it is readily apparent that the

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system disclosed by Thompson performs these steps. As such, these limitations are rejected for the same reasons above for system claim 113, and incorporated herein.

In regard to claim 115 (New), Thompson teaches a system comprising:

- one or more databases having information about a plurality of open positions and qualifications for the open positions, qualifications of a plurality of temporary employees, and associations with web pages, wherein a different respective web page is associated with each of the respective temporary employees (column 8, lines 15 – 63);
- a web server configured for: receiving a message about one or more new open positions; updating the information to include information on the one or more open positions (claim 1);
- posting position data on the respective web page associated with the respective temporary employees based on the filtering, wherein the position data comprises for the particular temporary employee the respective list of one or more open positions for which that particular temporary employee associated with the web page is qualified (column 10, lines 33 - 42);
- receiving an electronic response from one of the temporary employees selecting a position posted on the web page associated with the one temporary employee (column 9, lines 59 – column 10, line 7); and
- removing immediately the position selected as an available open position (column 10, lines 33 - 42).

Thompson fails to teach a system comprising filtering one or more of the open positions for each of a plurality of temporary employees, wherein the filtering comprises for each particular temporary employee determining based on the qualifications for the respective open positions and the qualifications of the particular temporary employee a list comprising only one or more open positions for which the particular temporary employee is qualified.

Mitsuoka teaches a system comprising filtering one or more of the open positions for each of a plurality of temporary employees, wherein the filtering comprises for each particular temporary employee

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determining based on the qualifications for the respective open positions and the qualifications of the particular temporary employee a list comprising only one or more open positions for which the particular temporary employee is qualified (column 1, lines 16 – 28).

The motivation to combine the teachings of Thompson and Mitsuoka is discussed in the rejection of claim 88, and incorporated herein.

In regard to claim 116 (New), Thompson teaches the system of claim 115, with the server further configured to post an assignment of the position automatically after receiving an electronic acceptance of the position from the one of the temporary employees (column 4, line 65 through column 5, line 4 and column 10, line 8 – 20).

Method claim 117 repeats the subject matter of system claim 115 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 115 have been shown to be fully disclosed by the teachings of Thompson and Mitsuoka in the above rejection of claim 115, it is readily apparent that the system disclosed by Thompson and Mitsuoka performs these steps. As such, these limitations are rejected for the same reasons above for system claim 115, and incorporated herein.

Method claim 118 repeats the subject matter of system claim 116 as a series of steps rather than a set of apparatus elements. As the underlying elements of claim 116 have been shown to be fully disclosed by the teachings of Thompson in the above rejection of claim 116, it is readily apparent that the system disclosed by Thompson performs these steps. As such, these limitations are rejected for the same reasons above for system claim 116, and incorporated herein.

1. Claim 101 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson and Mitsuoka as applied to claim 97 above, and further in view of Thomas (U.S. Patent Number 6,301,574).

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In regard to claim 101 (Previously Presented), Thompson and Mitsuoka teach the method of claim 97. Thompson and Mitsuoka fail to teach a method further comprising allowing access to the webpage associated with a temporary employee in response to receiving at least one pass code and verifying the received at least one pass code.

Thomas teaches a method further comprising allowing access to the webpage associated with a temporary employee in response to receiving at least one pass code and verifying the received at least one pass code (Figure 2A and column 5, line 29 through column 6, line 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method further comprising allowing access to the webpage associated with a temporary employee in response to receiving at least one pass code and verifying the received at least one pass code as taught by Thomas, within the method of Thompson and Mitsuoka, with the motivation of providing a secure means to access user information on a website, thus insuring confidentiality of user information (column 9, lines 9 – 13).

Response to Arguments

2. Applicant's arguments filed April 4, 2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed.

In response to Applicant argument, it is respectfully submitted that the Examiner has applied new passages and new citations to the amended claims. The Examiner notes that the amended limitations were not in the previously pending claims as such. Applicant's remarks with regard to the application of the Thompson, Mitsuoka, and Thomas references to the amended limitations are addressed in the above office action.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626